

**EXHIBIT P**

**R. Higgins e-mail correspondence to R. Kraft, dated July 8, 2021**

## Roger Higgins

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**From:** Roger Higgins  
**Sent:** Thursday, July 8, 2021 9:28 AM  
**To:** rk@kraft.legal  
**Cc:** ryan.roman@akerman.com  
**Subject:** RE: Kraft v. Chevron Corp. et al., Case No. 2:21-cv-00575-DJH (the "Arizona-Chevron Litigation").  
**Attachments:** Kraft v. Chevron Corp. et al., Case No. 2:21-cv-00575-DJH (the "Arizona Litigation")

Mr. Kraft,

On June 28, I sent you the attached e-mail correspondence with a copy of the confirmation order attached. Did you receive it?

Please note that my letter of June 25 requested that you inform me on or before July 2 of your intent to file a pleading dismissing my client, Grace, from the Arizona-Chevron Litigation.

Please inform me in writing (e-mail correspondence will suffice) by the end of today whether you intend to promptly file such a pleading.

Otherwise, my client will file a motion seeking to enforce the confirmation order. The motion will also seek the court's findings that you have violated Fed. R. Civ. P. 11(b)/Fed. R. Bankr. P. 11(b) by your having filed the complaint in the Arizona-Chevron Litigation.

Warmest Regards. R

Roger J. Higgins  
**THE LAW OFFICES OF ROGER HIGGINS, LLC**  
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Suite 136  
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Tel: (312) 480-1984  
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**From:** Rune Kraft <rk@kraft.legal>  
**Sent:** Thursday, July 8, 2021 9:20 AM  
**To:** Roger Higgins <rhiggins@rogerhigginslaw.com>  
**Cc:** ryan.roman@akerman.com  
**Subject:** FW: Kraft v. Chevron Corp. et al., Case No. 2:21-cv-00575-DJH (the "Arizona Litigation").

Mr. Higgins,

Please be informed that we had some problems with our email system since June 25<sup>th</sup> because of a system upgrade.

Therefore, if you tried to send me emails, please resend them.

Thanks,

Rune Kraft

# KRAFT

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108 West 13th Street  
Wilmington, Delaware 19801  
302 408 1000  
[rk@kraft.legal](mailto:rk@kraft.legal)  
<https://kraft.legal/>

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**From:** Rune Kraft <[rk@kraft.legal](mailto:rk@kraft.legal)>  
**Sent:** Friday, June 25, 2021 6:39 PM  
**To:** 'Roger Higgins' <[rhiggins@rogerhigginslaw.com](mailto:rhiggins@rogerhigginslaw.com)>  
**Cc:** 'ryan.roman@akerman.com' <[ryan.roman@akerman.com](mailto:ryan.roman@akerman.com)>  
**Subject:** RE: Kraft v. Chevron Corp. et al., Case No. 2:21-cv-00575-DJH (the "Arizona Litigation").

Mr. Higgins,

This is a RICO action against W.R. Grace & Co. The holding in *Daily* is simple: "money obtained by fraud is not dischargeable in bankruptcy".

I am happy to interact with you about the specific facts and issues of law contained in the Complaint.

I am also happy to review the order you reference.

And while you are at it, proof of serving my companies with the referenced order, or any motions you filed related to the referenced order.

Thanks,

Rune

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**From:** Roger Higgins <[rhiggins@rogerhigginslaw.com](mailto:rhiggins@rogerhigginslaw.com)>  
**Sent:** Friday, June 25, 2021 4:48 PM  
**To:** [rk@kraft.legal](mailto:rk@kraft.legal)  
**Cc:** [ryan.roman@akerman.com](mailto:ryan.roman@akerman.com)  
**Subject:** RE: Kraft v. Chevron Corp. et al., Case No. 2:21-cv-00575-DJH (the "Arizona Litigation").

Mr. Kraft,

The facts of the *Daily* case differ significantly from those present in this matter, and the holding is therefore not relevant. Moreover, there is nothing in the complaint you filed to support your allegation.

Finally, the Plan and Confirmation Order specifically contemplate meritless allegations of the type asserted against my client, W. R. Grace & Co. ("Grace") in your complaint. In particular, the Plan and Confirmation Order preclude and forever bar you from asserting any such Administrative Expense Claim against Grace in any forum, whether the Arizona District Court, the Delaware Bankruptcy Court, or otherwise:

based upon any act or omission, transaction, or other activity, event, or occurrence of any kind or nature that occurred prior to the Effective Date, whether or not the facts of or legal bases therefor were known or existed prior to the Effective Date.

Plan Art. 8.1.1.

Please be further advised that, as discussed in my letter of earlier today, if you take any action in the Arizona Litigation other than filing a motion seeking dismissal of Grace with prejudice, Grace reserves the right seek entry of an order by the Delaware Bankruptcy Court imposing sanctions on you for any such violations of the Confirmation Order, including but not limited to attorneys' fees and other expenses arising from Grace's enforcement of the Confirmation Order. *See In re Continental Airlines, Inc.*, 236 B.R. 318 (Bankr. D. Del. 1999) (imposing sanctions for civil contempt in violation of a chapter 11 plan confirmation order).

Warmest Regards. R

Roger J. Higgins

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**From:** Rune Kraft <[rk@kraft.legal](mailto:rk@kraft.legal)>

**Sent:** Friday, June 25, 2021 12:28 PM

**To:** Roger Higgins <[rhiggins@rogerhigginslaw.com](mailto:rhiggins@rogerhigginslaw.com)>

**Cc:** [ryan.roman@akerman.com](mailto:ryan.roman@akerman.com)

**Subject:** RE: Kraft v. Chevron Corp. et al., Case No. 2:21-cv-00575-DJH (the "Arizona Litigation").

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Mr. Higgins,

W.R. Grace & Co. obtained money by fraud and, therefore, not dischargeable in bankruptcy e.g. *In re Daily*, 47 F.3d 365, 368 (9th Cir. 1995).

Thanks,

Rune

**KRAFT**

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**From:** Roger Higgins <[rhiggins@rogerhigginslaw.com](mailto:rhiggins@rogerhigginslaw.com)>

**Sent:** Friday, June 25, 2021 12:49 PM

**To:** [rk@kraft.legal](mailto:rk@kraft.legal); [Ingrid.Aronson@Kraft.Legal](mailto:Ingrid.Aronson@Kraft.Legal)

**Cc:** [ryan.roman@akerman.com](mailto:ryan.roman@akerman.com)

**Subject:** Kraft v. Chevron Corp. et al., Case No. 2:21-cv-00575-DJH (the "Arizona Litigation").

Mr. Kraft:

Please find attached my letter requesting that you file the appropriate pleading or pleadings to dismiss my client, W. R. Grace & Co., and any and all affiliates with prejudice from the litigation captioned *Kraft v. Chevron Corp. et al.*, Case No. 2:21-cv-00575-DJH.

I look forward to your confirming no later than July 2, 2021, that you will file the appropriate pleading or pleadings no later than July 7, 2021.

Please do not hesitate to contact me if you have any questions.

Warmest Regards. R

Roger J. Higgins

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